

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8134



Introduced by Representative Jose Manuel F. Alba

AN ACT
STRENGTHENING AND PROTECTING THE LAND OWNERSHIP OF THE
DEPARTMENT OF EDUCATION SCHOOL SITES AND MANDATING THE
EXPEDITED ISSUANCE OF TITLES FOR REAL PROPERTIES USED AS PUBLIC
SCHOOL SITES, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Every day, millions of Filipino students squeeze into overcrowded classrooms, settle for makeshift structures, or endure exhausting multi-shift schedules. The Second Congressional Commission on Education (EDCOM II) has rightly pointed to this severe classroom shortage as one of the most urgent crises facing our education system. Yet, behind this visible backlog lies a hidden, deeply rooted roadblock: the government simply cannot build schools on land it does not securely own.

For decades, countless public schools have stood on shaky legal ground. Many of our campuses operate on unregistered lots, rely on informal handshake donations, or sit on land still titled to private individuals, local governments, or other national agencies. Even when the Department of Education (DepEd) has maintained and nurtured these schools in good faith for generations, the lack of proper documentation leaves them highly vulnerable. They face constant threats of property disputes, revoked land donations, and the heartbreaking possibility of long-established schools facing eviction.

This is not just an administrative paperwork problem; it directly deprives our youth of safe learning spaces. You cannot build, expand, or even repair a classroom without secure land tenure. As EDCOM II reports, critical school building projects are frequently paralyzed by these exact land disputes. Tragically, even when the budget is ready and waiting, construction is completely shelved because the site cannot be

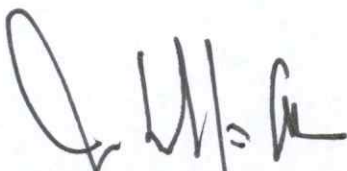
legally cleared for building. Our students are left waiting for classrooms that never arrive.

This bill seeks to finally dismantle these barriers by protecting DepEd's land ownership and putting public school site titling on the fast track. It respects the reality on the ground by establishing a presumption of ownership for sites DepEd has openly and continuously used for at least ten(10) years. Furthermore, it cuts through bureaucratic red tape by creating summary procedures that mandate priority processing from the Registry of Deeds, DENR, BIR, DAR, and LGUs. It also mandates the automatic transfer of school sites currently held by the National Government, LGUs, or government corporations directly to DepEd.

To secure our existing campuses and make room for future generations, the measure streamlines DepEd's authority to acquire adjacent lands for necessary expansion. Crucially, it waives all associated titling fees and taxes, ensuring that government funds go toward building safe, permanent learning spaces, not paying administrative tolls.

Passing this measure is a vital step in solving our classroom backlog once and for all. By resolving land ownership disputes upfront, the government can aggressively accelerate the construction and upgrading of public schools. Our Filipino learners deserve nothing less than safe, permanent, and secure environments in which to learn, grow, and thrive.

In view of the foregoing, the passage of this bill is earnestly sought.



JOSE MANUEL F. ALBA
Representative
First District, Province of Bukidnon

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. *Short Title.* – This Act shall be known as the “Public School Sites Titling and Protection Act.”

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and promote the right of all citizens to quality education at all levels. Towards this end, the State shall take appropriate and deliberate measures to ensure that such education is accessible, inclusive, and equitable to all, regardless of personal, geographic, social, or economic circumstances.

Sec. 3. *Coverage.* – All lands utilized by the Department of Education (DepEd) as Public School Sites shall be registered under its name, including:

- a) All lands registered in the name of DepEd or its predecessor-in-interest, such as but not limited to, the “Bureau of Education,” “Office of Education

by the Government of the Philippines," "Ministry of Education," "Department of Education, Culture and Sports"; and

- b) Parcels of land acquired by DepEd through any of the modes of acquiring ownership: Provided, That for unregistered land, DepEd shall have been in open and continuous administration and use of the Public School Site in good faith for at least **five (5) years**.

For purposes of this Act, a "Public School Site" refers to public schools utilized by DepEd or sites catering to the needs of DepEd which are necessary or vital to the performance of its mandate or functions. These shall include areas and locations of DepEd offices, training facilities, teacher's camp, or commercial spaces incidental to school operations deriving income for the benefit of the public.

Sec. 4. Disputable Presumption of Ownership. – This disputable presumption of ownership shall apply exclusively to registered lands and shall not diminish or affect the acquisition, confirmation, or titling of unregistered Public School Sites under Sections 3 and 6 of this Act. Even in the absence of registrable documents effecting the transfer of registered lands on its behalf, the DepEd shall have a disputable presumption of ownership over the subject land if it has been in open, continuous, exclusive, and notorious possession over the property for at least **ten (10) years**.

DepEd shall confirm its ownership upon the submission of an Affidavit of Claim to the Registry of Deeds containing the following:

1. Mode of acquiring ownership over the property;
2. The circumstances and/or proof of open, continuous, exclusive, and notorious possession over the property for ten (10) years;
3. Proof of publication of the Notice of Ownership Claim in a newspaper of general circulation and notification to the registered owners or other interested persons.
4. Proof of posting of the Notice of Ownership Claim for three (3) consecutive weeks in a conspicuous place located within the Public School Site, and in

the Barangay Hall and City or Municipal Hall that have territorial jurisdiction over the Public School Sites.

For these purposes, a Notice of Ownership Claim is a written document declaring DepEd's claim over a Public School Site: Provided, That, the publication and posting of the Notice of Ownership Claim shall be done within six (6) months immediately preceding the filing of the Affidavit of Claim.

Sec. 5. Annotation and Cancellation of DepEd's Affidavit of Claim. – Upon receipt of DepEd's Affidavit of Claim and after finding its sufficiency in form and substance, the Registry of Deeds shall annotate the same in the title of the subject property.

The registered owner or any interested party may file the appropriate petition with the appropriate court seeking the cancellation of the annotation of the Affidavit of Claim within six (6) months from the date of annotation thereof. Otherwise, the Registry of Deeds shall promptly proceed with the issuance of the Certificate of Title under the name of DepEd after payment of the necessary and applicable fees and taxes.

Sec. 6. Summary Titling of Public School Sites on Unregistered Lots and Speedy Hearing. – DepEd shall acquire ownership of the unregistered school sites through the following:

- a) Filing of application for Judicial Confirmation of Imperfect or Incomplete Title;
- b) Filing of application for the issuance of a special patent; or
- c) Filing of an application for the issuance of Presidential Proclamation for school sites situated in forest or timber land.

When the Public School Site has been surveyed and plotted, the DepEd Secretary or his or her duly authorized representative, through the Office of the Solicitor General or its deputized representatives, shall institute original registration proceedings by filing the necessary petition in the Regional Trial Court of the place

where the land is situated against any claimants, possessors, or occupants of such lands or any part thereof. The petition shall state, in substance, that public interest requires that the title to such lands be settled and adjudicated and that such titles be so settled and adjudicated in favor of DepEd. The petition shall likewise contain a description of the land and shall be accompanied by an approved plan thereof, as issued by the relevant authority, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein.

In the registration proceedings under this Act, only the following shall be established by the claimant:

- a) that the school site is not covered by a valid Torrens Certificate of Title;
- b) that the land had been surveyed or plotted;
- c) that its complete description, metes, and bounds had been identified by a duly licensed surveyor or government surveyor, and that the approved survey has been submitted to the Court; and
- d) that DepEd has open and continuous administration or use of the Public School Site for at least five (5) years for unregistered lands covered under Section 3 (b), as may be applicable.

Sec. 7. Immediate Transfer of Public School Sites Registered Under the Name of the National Government, Local Government Units, and Government-Owned and Controlled Corporations. – All Public School Sites occupied or used by DepEd under a claim of ownership, registered under the name of the Republic of the Philippines or by any of its agencies or instrumentalities, as well as by the local government units, and by government-owned and controlled corporations shall be immediately transferred to and titled in favor of DepEd. Such transfer shall include the buildings or other immovable real properties situated therein, without prejudice to applicable accounting and asset management requirements, if applicable.

Sec. 8. DepEd's Power to Expropriate. – DepEd shall have the power to expropriate real properties for Public School Sites.

Sec. 9. *DepEd's Right of First Refusal Over Adjacent Lands of Public School Sites.* – For purposes of expanding existing Public School Sites, DepEd, through any mode of acquisition as allowable under the law, may acquire lands adjacent to the existing Public School Sites. Further, notwithstanding any contrary interest, DepEd shall have the right of first refusal over parcels of lands adjacent to the Public School Sites which shall be exercised for a period of thirty (30) days from notice of sale: Provided, that, the failure to exercise the right of first refusal over the sale of any property adjacent to a Public School Site, within the period provided under this Section, shall not be construed as a waiver for DepEd to expropriate the same whenever necessary.

Sec. 10. *Expedited Expropriation of Public School Sites.* – Public School Sites on privately-owned lots may be acquired by DepEd through expropriation subject to the provisions of R.A. No. 10752 or the "Right of Way Act" and its pertinent rules, regulations and guidelines.

Whenever the right of DepEd to expropriate Public School Sites is exercised, the filing of the expropriation case shall be deemed *prima facie* evidence of public use and necessity, upon proof that the same shall be used as a Public School Site as defined under Section 3 hereof. Unless said presumption is overturned by a showing that the use of subject property does not fall within the definition of a Public School Site, the expropriation proceedings shall be limited to the determination of just compensation.

Sec. 11. *Order of Registration Immediately Executory.* – All judgments ordering the registration of a Public School Site shall be immediately executory even pending appeal, without prejudice to appeals solely as to the determination of just compensation or damages, if applicable. The Registry of Deeds, upon receipt of such order, shall forthwith register and issue the title and the corresponding certificate of title in favor of DepEd.

Sec. 12. *Titling and Registration of Public School Sites Based on Tax Declarations Registered to DepEd.* – Real properties not under the Torrens Title System but with tax declaration registered in the name of DepEd which are being used

as Public School Sites shall be processed through the Department of Environment and Natural Resources (DENR) for titling through the issuance of Special Patents and Presidential Proclamations. DENR shall facilitate the immediate issuance of special patents to Public School Sites through a Memorandum of Agreement with DepEd which must be consummated not more than one hundred eighty (180) days after the effectivity of the implementing rules and regulations of this Act.

Sec. 13. *Expeditious Registration of Land Titles for Public School Sites.* – The Registry of Deeds, Bureau of Internal Revenue (BIR), Department of Agrarian Reform (DAR), DENR, and Local Government Units (LGUs) concerned shall process the registration and titling of the properties as provided herein, in favor of DepEd, in the most efficient and expeditious manner.

Sec. 14. *Prioritization of Public School Site Acquisition and Titling.* – In recognition of the critical role of secure land tenure in the delivery of quality education, an accelerated processing framework shall be established for the acquisition, segregation, and titling of lands occupied or intended to be used as Public School Sites by DepEd.

Sec. 15. *Exemption from Payment of Fees and Taxes for the Registration of Land Titles for Public School Sites.* – All costs, fees, charges and taxes to the national and local government relating to the registration, titling, and transfer of Public School Sites to DepEd shall be exempt from payment.

Sec. 16. *School Sites within Forest Land.* – DepEd shall cause the application for the reclassification of land occupied by Public School Sites, which are classified as forest or timber, into alienable or disposable land, with the Office of the President through the DENR.

Sec. 17. *Public School Sites within Ancestral Domain.* – The National Commission on Indigenous Peoples shall assist DepEd in securing Free, Prior and Informed Consent (FPIC) from leaders or representatives of Indigenous Cultural Communities (ICCs) for Public School Sites within ancestral domain for the eventual grant of usufruct by ICCs to DepEd for the use of their lands. The requirement for

FPIC, however, is deemed waived if the ICCs have passed a resolution asking DepEd to establish and construct a new school or repair and rehabilitate an existing one.

Sec. 18. *Appropriations.* – Funds necessary for the implementation of this Act shall be included in the annual appropriations for the DepEd under the annual General Appropriations Act.

Sec. 19. *Implementing Rules and Regulations.* – The DepEd, in consultation with the DENR, Department of Finance (DoF), Department of Interior and Local Government (DILG), LRA and NCIP shall promulgate the implementing rules and regulations within one hundred eighty (180) days from the effectivity of this Act.

Sec. 20. *Separability Clause.* – If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby, shall continue to be in full force and effect.

Sec. 21. *Repealing Clause.* – All laws, decrees, rules and regulations or other issuances or parts thereof inconsistent with the provision of this Act are hereby repealed, amended or modified accordingly.

Sec. 22. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,